

ALAN R. SMITH, ESQ.
Nevada Bar No. 1449
KEVIN A. DARBY, ESQ.
Nevada Bar No. 7670
Law Offices of Alan R. Smith
505 Ridge Street
Reno, Nevada 89501
Telephone (775) 786-4579
Facsimile (775) 786-3066
Email: mail@asmithlaw.com

Electronically Filed - March 1, 2007

Attorneys for Lenders Protection Group

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

—ooOoo—

In re:
USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

In re:
USA CAPITAL REALTY ADVISORS,
LLC,

Debtor.

JOINTLY ADMINISTERED
Chapter 11
Hearing Date: March 1, 2007
Hearing Time: 9:30 a.m.

In re:
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

Debtor.

**DECLARATION OF ARTHUR I.
KRISS IN SUPPORT OF MOTION
FOR LIMITED STAY PENDING
APPEAL**

In re:
USA FIRST TRUST DEED FUND, LLC,

Debtor.

In re: USA SECURITIES, LLC,
Debtor.

Affects: All Debtors

I, ARTHUR I. KRISS, being first duly sworn, do depose and say under the penalty of perjury:

1. I am a creditor in the USA Commercial Mortgage Company ("USACM") bankruptcy case (BK-S-06-10725-LBR) with claims classified as A-4 (General Unsecured Claims) and A-5 (Direct Lender Compromise Claims) classified in Debtors' Third Amended Joint Chapter 11 Plan of Reorganization filed herein on November 15, 2006.

2. I have knowledge of and am competent to testify to the matters stated herein.

3. Attached hereto as Exhibit A are true and correct copies of the loan summary statement which I received from the Debtor.

4. As detailed in Exhibit A, the Debtors have taken and are holding my property, namely portions of post-petition payments made by third-party borrowers to me as a lender, which payments are processed by Debtor USACM, as a loan servicer.

I hereby swear under penalty of perjury that the assertions of this Declaration are true.

DATED: February 28, 2007

Trust Company of the Pacific, Custodian for
ARTHUR I. KRISS, I R A

Legal Vesting Name

By: Arthur I. Kriss
Name

2398 W 1050 N

HURRICANE, UT 84737

SEE Attach A.

declaration

USA Commerical Mortgage Company ("USA")

as Loan Servicing Agent for
Brookmere/Matteson \$27,050,000

10/29/2003 - 4/12/2006

Attachment A

THIS STATEMENT REFLECTS THE STATUS THROUGH THE BANKRUPTCY PETITION DATE.
 CURRENT STATEMENTS WILL BE MAILED TO YOU SOON.

Vesting Name: Trust Company of the Pacific Custodian for Arthur I. Kriss IRA
 Address: ARTHUR I KRISS IRA
 C/O TRUST COMPANY PACIFIC CUSTODIAN
 2398 W 1050 N
 HURRICANE, UT 84737-3110

Client ID: 1418

Performance Evaluation: Performing

1. Original Principal Investment	\$100,000
2. Principal Investment Assigned Out	19,056
3. Net Principal Investment	\$80,944
4. Principal Payments Made by Borrower to USA	\$75,342
5. Principal Payments Remitted by USA to Lender	75,516
6. Principal Payments Unremitted by USA to Lender	(\$175)
7. Interest Paid to USA by Borrower, net of service fee	\$9,558
8. Interest Remitted or Advanced by USA to Lender	10,006
9. Interest Due to (from) Lender	(\$449)
10. Unremitted Principal held in Collection Account	\$0 *
11. Interest Due to (from) Lender	(449)
12. Net Amount Currently Due to (from) Lender	(\$623)
13. Unremitted Principal not held in Collection Account	(\$175)
14. Interest Unpaid to USA by Borrower, net of service fee	\$78

* Undetermined at Filing

The interest amounts assume a simple interest calculation.

This statement is provided for information purposes only and is intended for the sole benefit of the named vested party. This statement is not intended to represent a loan payoff quote. USA reserves the right to update and supplement this statement.

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Prepared by MFIM, LLC

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